

## **EXHIBIT “A”**

**STATE OF WISCONSIN****CIRCUIT COURT****BARRON**

Michael Ermilio vs. Ascend Loans, LLC et al

**Electronic Filing  
Notice**Case No. 2024CV000150  
Class Code: Money Judgment**05-21-2024****Barron County, WI****Sharon Millermon****2024CV000150****Honorable J. M. Bitney****Branch 2**

ASCEND LOANS, LLC  
635 EAST HIGHWAY 20  
UPPER LAKE CA 95485

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Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 20ccb5**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnissees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 715-537-6265.

Barron County Circuit Court  
Date: May 22, 2024

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AANIIIH NAKODA FINANCE, LLC, D/B/A BRIGHT LENDING  
PO BOX 578  
HAYS MT 59527

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**STATE OF WISCONSIN**

**CIRCUIT COURT**

**BARRON**

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Notice**

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Class Code: Money Judgment

05-21-2024  
Barron County, WI  
Sharon Millermon  
2024CV000150  
Honorable J. M. Bitney  
Branch 2

**BIG PICTURE LOANS, LLC**  
PO BOX 704  
E23970 POW WOW TRAIL  
WATERSMEET MI 49969

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Notice****05-21-2024****Barron County, WI****Sharon Millermon****2024CV000150****Honorable J. M. Bitney****Branch 2**Case No. 2024CV000150  
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BENHTI ECONOMIC DEVELOPMENT CORPORATION, D/B/A MIN...  
PO BOX 58112  
MINTO AK 99758

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05-21-2024  
Barron County, WI  
Sharon Millermon  
2024CV000150  
Honorable J. M. Bitney  
Branch 2

ROSEBUD LENDING, D/B/A ZOCAL LOANS  
PO BOX 1147  
27565 RESEARCH PARK DRIVE  
MISSION SD 57555

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Barron County Circuit Court  
Date: May 22, 2024

STATE OF WISCONSIN, CIRCUIT COURT, BARRON

COUNTY

MICHAEL ERMILIO

 Amended

-vs-

Aaniiih Nakoda Fin., LLC, et. al.

**Petition for Waiver of Fees and Costs  
Affidavit of Indigency**

Case No. 2024-CV-

05-21-2024

Barron County, WI

Sharon Millermon

2024CV000150

Honorable J. M. Bitney

Branch 2

**UNDER OATH, I STATE THAT** because of poverty, I am unable to pay  any filing and service fees, including the electronic filing fee, or  \_\_\_\_\_, in this action, proceeding, or appeal, or to give security for those fees, and request waiver of those fees. I am attaching a copy of my pleading in this matter.

**Complete Section 1 if you receive aid from any of the programs listed.**

**If you do not receive aid, complete Section 2 only.**

### Section 1.

- I currently receive  
 Supplemental security income.       Relief funded under §59.53(21), Wis. Stats.       Medical assistance.  
 Food stamps/FoodShare.       Relief funded under public assistance.  
 Benefits for veterans under §45.40 (1m) or 38 USC 501-562.  
 Legal representation from a civil legal services program or a volunteer attorney program based on indigency.

Name of program: \_\_\_\_\_  
 Other means-tested public assistance: FOOD SHARE BENEFITS - SEE ATTACHED EXHIBIT A

My financial situation  has  has not changed since I became eligible for this program.

*If you checked the "has" box, and such changes would make you ineligible for the program(s) if you applied today, you must complete Section 2.*

### Section 2.

1. I  am  am not married.
2. I  am  am not employed. Name of employer: \_\_\_\_\_
3. I earn [Gross pay] \$ \_\_\_\_\_  weekly.  every 2 weeks.  twice monthly.  monthly.  
 My take-home pay [after taxes and deductions] is \$ \_\_\_\_\_ per pay period.
4. I receive gross monthly income totaling the amount of \$ \_\_\_\_\_ from  
 Pension  Social security  Unemployment compensation  
 Disability  Student loans/grants  Other: \_\_\_\_\_
5. I have the following cash assets:  
 Savings accounts: \$ \_\_\_\_\_  Cash: \$ \_\_\_\_\_  
 Checking accounts: \$ \_\_\_\_\_  Money owed me: \$ \_\_\_\_\_
6. I have the following other assets:  
 Vehicle-Yr./Make: \_\_\_\_\_ \$ \_\_\_\_\_  Household furnishings: \$ \_\_\_\_\_  
 Vehicle-Yr./Make: \_\_\_\_\_ \$ \_\_\_\_\_  Equity in real estate: \$ \_\_\_\_\_  
 Other individual assets valued over \$200 each: \_\_\_\_\_ \$ \_\_\_\_\_
7. My household consists of myself and \_\_\_\_\_ others:  
 Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
 Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
 Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
 Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
 Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No
8. The other members of my household have gross monthly income totaling the amount of \$ \_\_\_\_\_ from

- |                                       |   |  |   |
|---------------------------------------|---|--|---|
| <input type="checkbox"/> Wages        | <input type="checkbox"/> Social security                                    | <input type="checkbox"/> Relief funded under public assistance | <input type="checkbox"/> Food stamps/FoodShare        |
| <input type="checkbox"/> Pension      | <input type="checkbox"/> Student loans/grants                               | <input type="checkbox"/> Unemployment compensation             | <input type="checkbox"/> Supplemental security income |
| <input type="checkbox"/> Disability   | <input type="checkbox"/> Relief funded under §59.53(21), Wisconsin Statutes |  | <input type="checkbox"/> Support/maintenance          |
| <input type="checkbox"/> Other: _____ |   |  |   |

9. I have the following debts: Amount: Monthly Payment:

- |                  |          |          |
|------------------|----------|----------|
| a. Mortgage/Rent | \$ _____ | \$ _____ |
| b. Auto loan     | \$ _____ | \$ _____ |
| c. Credit cards  | \$ _____ | \$ _____ |
| d. Other: _____  | \$ _____ | \$ _____ |
| e. _____         | \$ _____ | \$ _____ |

10. I have the following unusual expenses, other than ordinary living expenses:

---

State of Wisconsin  
County of St Croix

Subscribed and sworn to before me on 4/24/2024

Amanda Manske  
Notary Public/Court Official  
Amanda Manske

Name Printed or Typed AMANDA MANSKE  
My commission/term expires: 03/11/24

This notarial act involved the use of communication technology.

I understand that if my financial situation changes,  
I must notify the court immediately.

Michael Ermilio  
Signature

MICHAEL ERMILIO

Print or Type Name

AUGUST 24, 1959

Date of Birth

1011 WHITETAIL STREET - APT. 22

Address

RICE LAKE, WI 54868

Email Address

715-651-5040

Telephone Number

4-24-24

Date



CENTRALIZED DOCUMENT PROCESSING UNIT  
PO BOX 5234  
JANESVILLE WI 53547 5234



State of Wisconsin

Case #: [REDACTED]

Mailing Date: 09/05/2023

[REDACTED]  
MICHAEL ERMILIO  
1011 WHITETAIL ST 22  
RICE LAKE WI 54868 2094

Great Rivers Consortium  
Toll Free Phone: 1-888-283-0012  
Fax Number: 1-855-293-1822  
Online at access.wi.gov



The State of Wisconsin is an equal opportunity service provider. This letter contains information that affects your benefits. If you need this material in a different format because of a disability or if you need this letter translated or explained in your own language, please call 1-888-283-0012. These services are free.

## About Your Benefits

This letter tells you about your benefits. If you have a question, please call the agency above. If you would like to get letters like this online instead of by regular mail, please see the Resources and Contact Information section at the end of this letter.

### Which benefit?

Health Care

### Status of your benefits?

There have been no changes to this benefit.



FoodShare

Please see Your FoodShare Benefits page for the status of your benefits.

If you don't agree with this decision, you have the right to a Fair Hearing. Please see the last page of this letter to learn more. You may also talk with the agency above.



## Your FoodShare Benefits



### Who will get FoodShare and how much?

When?	How much?	Who is enrolled?	
As of Oct. 01, 2023	\$148 / month	TRACY	MICHAEL

You will get a total of \$148.00 each month until there is a change in your case.



### More Information

#### FoodShare

FoodShare is a monthly benefit that helps you buy nutritious food for good health. You access your FoodShare benefits by using your QUEST card.

If any QUEST card on your account is lost or stolen, you may have to pay a \$2.70 fee to replace it. The fee will come out of your FoodShare benefits.

Certain adults between the ages of 18 through 52 with no minor children living in the home may only be able to get three months of time-limited FoodShare benefits in a three-year period that began on January 1, 2022, and continues until December 31, 2024, unless they meet a work requirement or have an exemption. To keep getting FoodShare benefits after the three months, you must meet the work requirement or have an exemption. For a current list of exemptions, go to [www.dhs.wisconsin.gov/foodshare/infonotice.htm](http://www.dhs.wisconsin.gov/foodshare/infonotice.htm).

To learn more about your benefits, QUEST card, or the work requirement, please see your Enrollment and Benefits Handbook.



Wisconsin JobNet is available to you. JobNet is the largest source of job openings in Wisconsin. You can visit the JobNet website at [www.dwd.state.wi.us/jobnet/mapWI.htm](http://www.dwd.state.wi.us/jobnet/mapWI.htm). Or, you can use touch-screen computers at your local Job Center. To find a Job Center near you, call 1-888-258-9966.

05-21-2024

Barron County, WI

Sharon Millermon

2024CV000150

Honorable J. M. Bitney

Branch 2

**BY THE COURT:****DATE SIGNED: May 22, 2024**

Electronically signed by The Honorable James C Babler  
 Circuit Court Judge

**STATE OF WISCONSIN****CIRCUIT COURT****BARRON COUNTY**

Michael Ermilio vs. Ascend Loans, LLC et al

**Order on Petition for  
Waiver of Fees and  
Costs**

Case No:

**THE COURT FINDS AND ORDERS:**

This petition is

- 1. **GRANTED** because the court finds the requestor is currently indigent. The action may be commenced or defended without payment of filing fees, including the electronic filing fee. The sheriff shall serve all necessary documents without payment of service fees. The requestor may be required to pay these fees if the court later determines the requestor has the ability to pay.
- 2. **GRANTED** for waiver of \_\_\_\_\_. The requestor may be required to pay fees if the court later determines the requestor has the ability to pay.
- 3. **DENIED** because the court finds the requestor is not indigent, but is currently not able to pay filing or service fees. This action may be filed by the Clerk and all necessary documents may be served by the sheriff without prepayment of fees. Such fees must be paid no later than \_\_\_\_\_.
- 4. **DENIED** because the court finds:
  - requestor is not indigent.  the allegation of poverty to be untrue.
  - requestor is a prisoner and is required to use form CV-438 or CV-440.
  - requestor has not stated a meritorious claim, defense, or appeal upon which the court may grant relief:  
*[Brief Explanation]* \_\_\_\_\_
  - Other: \_\_\_\_\_

**DISTRIBUTION:**

1. Original- Clerk of Circuit Court

**05-21-2024****Barron County, WI****Sharon Millermon****2024CV000150****Honorable J. M. Bitney****Branch 2****STATE OF WISCONSIN****CIRCUIT COURT****COUNTY OF BARRON**

Michael Ermilio,

No. 2024-CV-\_\_\_\_\_

Plaintiff,

vs.

Ascend Loans, LLC,  
d/b/a Ascend Loans,Aaniiih Nakoda Finance, LLC  
d/b/a Bright Lending,Big Picture Loans, LLC,  
d/b/a Big Picture Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Lac Vieux Desert Bank  
of Lake Superior Indians,Benhti Economic Development Corporation,  
d/b/a Minto Money, and Minto Financial,Rosebud Lending,  
d/b/a Zocal Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Rosebud Sioux Tribe  
of Indians,

Defendants.

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**SUMMONS**

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**THE STATE OF WISCONSIN  
TO EACH PERSON OR ENTITY NAMED ABOVE AS A DEFENDANT**

You are hereby notified that the Plaintiff named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within **twenty (20) days** of receiving this summons, you must respond with a written answer to the complaint, as the term is used in chapter 802 of the Wisconsin Statutes. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be electronically filed, or sent or delivered to the court, whose address is

Clerk of Circuit Court,  
Barron County Justice Center  
1420 State Hwy 25 North  
Barron, Wisconsin 54812

and a copy sent or delivered to Plaintiff's attorney, whose address is

Eric L. Crandall, Esq.,  
Crandall Law Firm, SC,  
421 West Second Street,  
PO Box 27,  
New Richmond, WI 54017

You may have an attorney help or represent you.

If you do not provide a proper answer within **twenty (20) days**, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

DATED: May 21, 2024

Electronically signed by Eric Crandall  
Eric L. Crandall, Esq.  
**CRANDALL LAW FIRM, SC**  
421 West Second Street  
PO Box 27  
New Richmond, WI 54017  
715-243-9996 (p)  
WisconsinConsumerLaw@frontier.com  
Wis. Attorney Lic. No. 1001833

**ATTORNEY FOR PLAINTIFF**

05-21-2024

Barron County, WI

Sharon Millermon

2024CV000150

Honorable J. M. Bitney

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**COUNTY OF BARRON**

---

Michael Ermilio,

No. 2024-CV-\_\_\_\_\_

Plaintiff,

vs.

Ascend Loans, LLC,  
d/b/a Ascend Loans,

Aaniih Nakoda Finance, LLC  
d/b/a Bright Lending,

Big Picture Loans, LLC,  
d/b/a Big Picture Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Lac Vieux Desert Bank  
of Lake Superior Indians,

Benhti Economic Development Corporation,  
d/b/a Minto Money, and Minto Financial,

Rosebud Lending,  
d/b/a Zocal Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Rosebud Sioux Tribe  
of Indians,

Defendants.

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## **COMPLAINT AND DEMAND FOR JURY TRIAL**

---

### **I. INTRODUCTION**

1. This is an action brought by Michael Ermilio (“Ermilio”) seeking redress for violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* ( “FCRA”), committed by the defendants listed above.

2. As alleged and discussed below, substantial amounts of Ermilio's non public personal identifying information ("PII"), and substantial amounts of his non public personal financial information ("PFI"), has been obtained by each of the above defendants without Ermilio's express permission, and has subsequently been disclosed to, marketed to, and sold to various lenders and to others, by each defendant without Ermilio's express permission, and contrary to state and federal law.
3. As alleged and discussed below, each defendant has assembled Ermilio's non public PII and PFI into a "consumer file" as defined by the FCRA, or "credit report" in common usage.
4. As alleged and discussed below, each defendant has acted as a "consumer reporting agency" as defined by the FCRA, or "credit bureau" in common usage, when each defendant disclosed, market and or sold Ermilio's non public PII and PFI to various potential lenders and to other third parties.
5. Ermilio seeks recovery of his actual damages, statutory and punitive damages as allowed by law, and his reasonably incurred costs and attorney fees.
6. Ermilio also seeks all appropriate declaratory and injunctive relief.

## II. JURISDICTION

7. This court has subject matter jurisdiction over Ermilio's claims, under Wis. Stat. § 801.04 (general jurisdiction), as well as 15 U.S.C. §1681p (FCRA jurisdiction).
8. Each defendant is subject to personal jurisdiction in Wisconsin courts including this court. At all material times each defendant directed its tortious and illegal conduct towards Wisconsin residents including Ermilio. At all material times each defendant unlawfully obtained information about Wisconsin residents including Ermilio. At all material times each

defendant knowingly caused losses, damages, and injuries to Wisconsin residents including Ermilio. At all material times each defendant engaged in substantial business activities within Wisconsin including attempting to broker loans to Wisconsin residents including Ermilio, and also selling the PII and PFI of Wisconsin residents to third parties. At all material times each defendant engaged in the solicitation of Wisconsin residents for loan brokering services, including Ermilio.

9. Venue is appropriate under Wis. Stat. § 801.50, as a substantial part of the acts, errors and omissions giving rise to the claims asserted by Ermilio arose in this county, Ermilio suffered harm within this county, and is in any event the county designated by Ermilio per Wis. Stat. § 801.502)(d).

### **III. PARTIES**

#### **Michael Ermilio**

10. Plaintiff Michael Ermilio is an individual residing in Barron County, Wisconsin.
11. While Ermilio is of normal intelligence, he lacks advanced sophistication in the specific businesses of high interest loan lead generation, high interest loan marketing, high interest loan brokering, and credit reporting.
13. Ermilio was and is a “consumer” as defined by 15 U.S.C. § 1681a(c).

#### **Defendants**

14. Each defendant is a company or other entity incorporated under non Wisconsin law.
15. No defendant is qualified to conduct business in Wisconsin, or to conduct business with Wisconsin residents.

16. Each defendant obtains credit reports of Wisconsin consumers, regularly arranges or brokers consumer loans made at high interest to high interest lenders, and receives payment for arranging or brokering those loans.
17. Each defendant regularly sells leads of and to Wisconsin consumers interested in high interest loans, to potential high interest lenders, and receives payment from these lenders for the sale of these leads.
18. Each defendant regularly sells leads of and to Wisconsin consumers interested in high interest loans, to other persons, and receives payment from these persons for the sale of these leads.
19. Each defendant regularly purchases leads of and to Wisconsin consumers interested in high interest loans, from licensed and unlicensed loan brokers, from lenders, and from others.
20. These leads all contain Ermilio's non public PII, PFI, credit report information and credit scores.
21. Each defendant is a sophisticated business, operating throughout the United States including in Wisconsin.
22. No defendant is licensed by the Wisconsin Department of Financial Institutions to make loans to Wisconsin residents, per Wis. Stat. §§ 138.09 & .14.
23. No defendant is licensed by the Wisconsin Department of Financial Institutions to broker loans to Wisconsin residents, per Wis. Stat. § 422.502.
24. Each defendant was and is a "person" as defined by the FCRA, 15 U.S.C. § 1681a(b), and is restricted by the FCRA as to its acquisition, safeguarding, dissemination, and eventual destruction of information from credit reports, including any credit report regarding Ermilio.

25. Each defendant was and is a “credit services agency” as defined by Wis. Stat. § 422.501(2)(a).
26. Per the “Terms of Use” or other similar section of each defendant’s respective website, each defendant acknowledges that it regularly arranges or obtains consumer loans for those who apply for credit.
27. Per the contracts it signs with other persons, each defendant acknowledges that it regularly arranges or obtains consumer loans for those who apply for credit.
28. Because each defendant regularly arranges, brokers or obtains consumer loans for Wisconsin consumers made at high interest, each defendant would otherwise be a credit services organization (“CSO”) as defined by Wis. Stat. § 425.501(2).
29. Each defendant was formerly immune from suits under consumer protection laws, per binding 7<sup>th</sup> Circuit precedent. *Meyers v. Oneida Tribe of Indians of Wisconsin*, 836 F.3d 818, 827 (7<sup>th</sup> Cir. 2016)(under the FCRA, “The Tribe has sovereign immunity ...”).
30. However, this immunity to suits under the FCRA and other consumer protection statutes was abrogated last fall, when the decision in *Lac du Flambeau Band of Lake Superior Chippewa Indians*, 143 S. Ct. 1689 (U.S. 2023) became final. See also *Department of Ag. Rural Dev. v. Kirtz*, 144 S. Ct. 457 (U.S. Feb. 8, 2024)(Governmental units not immune to claims under the FCRA).
31. Each defendant is liable for the acts of its employees, agents, and independent contractors under theories of respondeat superior, agency, and vicarious liability.
32. As businesses conducting their affairs within the United States generally, and Wisconsin specifically, each defendant at all times is deemed to know what is lawful and what is unlawful under US and Wisconsin law. *Barlow v. United States*, 8 L. Ed. 728 (1833)(“ignorance of the law will not excuse any person, either civilly or criminally”); *Atkins*

*v. Parker*, 472 U.S. 115, 130 (1985) (“all citizens are presumptively charged with knowledge of the law”); *Putnam v. Time Warner Cable of Southeastern Wisconsin, LP*, 2002 WI 108, ¶ 13 & footnote 4, 255 Wis.2d 447, 458 (Wis. 2002) (“Wisconsin has adopted the mistake of law doctrine”).

#### **IV. FACTUAL ALLEGATIONS**

##### **Claims of Michael Ermilio**

33. When Michael Ermilio obtained his March 1, 2024 Experian and his February 26, 2024 Clarity consumer credit reports and files, he learned that each defendant had separately accessed his Experian and Clarity consumer credit reports and files multiple times.
34. Ascend Loans accessed the Experian report on November 19, 2023 (twice) and the Clarity report also on November 19, 2023.
35. Bright Lending accessed the Experian report on November 19, 2023 (twice) and the Clarity report also on November 19, 2023.
36. Eagle Valley accessed the Experian report on November 19, 2023 (twice) and the Clarity report also on November 19, 2023.
37. Minto Money accessed the Experian report on November 19, 2023 (twice) and the Clarity report also on November 19, 2023.
38. Zocal Loans accessed the Clarity report on August 4, 2022.
39. The information assembled by Experian and Clarity about Ermilio constitutes a “consumer report” under the FCRA, as the information is used for and bears “on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation personal characteristics or mode of living ...” 15 U.S.C. § 1681a(d)(1).

40. The information assembled by Experian and Clarity about Ermilio constitutes a “consumer report” under the FCRA, as the information is assembled and is used “for the purpose of furnishing consumer reports to third parties ...” 15 U.S.C. § 1681a(d)(1).
41. The information about Michael Ermilio, held by and released by Experian and Clarity to Michael Ermilio, constituted a “consumer report” under the FCRA. 15 U.S.C. § 1681a(d)(1).
42. The information about Michael Ermilio, requested by and obtained by various entities including defendants, constituted a “consumer report” under the FCRA. 15 U.S.C. § 1681a(d)(1).
43. Experian and Clarity are “consumer reporting agenc[ies]” under the FCRA, as “for monetary fees” Experian and Clarity “regularly engage[s] in ... the practice of assembling or evaluating consumer credit information or other information on consumers ...” 15 U.S.C. § 1681a(f).
44. Experian and Clarity create, generate and produce consumer credit reports and files on a regular basis, and derives the information in these reports and files from large amounts of information it collects and maintains on individuals like Michael Ermilio in a data base called a consumer file.
45. For example, the consumer credit reports and files produced by Experian and Clarity reports each run to 12 pages, and is full of vast amounts of personal identifiable information (“PII”) and personal financial information (“PFI”), including but not limited to his name, address, and social security number, his credit score as compiled by Experian and Clarity, as well as his financial transaction history.
46. Ermilio has never applied for credit with any defendant, nor has Ermilio ever authorized any defendant to access, download, obtain or view his Experian and Clarity consumer credit report and file.

47. Ermilio has never authorized any defendant to access, download, obtain or view his consumer credit report and file as maintained by any other consumer reporting agency.
48. Each time each defendant accessed Michael Ermilio's Experian and Clarity consumer credit report and file, it obtained large amounts of his personal identifiable information ("PII") and personal financial information ("PFI"), including but not limited to his name, address, and social security number, as well as his credit score and financial transaction history.
49. Each defendant accessed and then redisclosed, shared, sold on, or bartered Michael Ermilio's Experian and Clarity consumer credit report and file to third parties, transferring large amounts of his personal identifiable information ("PII") and personal financial information ("PFI"), including but not limited to his name, address, and social security number, as well as his credit score and financial transaction history.
50. All defendants are required by state and federal law including the FCRA to adopt and maintain procedures designed to both protect consumer credit information and to limit its obtainment as well as its dissemination to proper parties.
51. No defendant has adopted nor maintained procedures adequately designed to both protect consumer credit information and to limit its obtainment as well as its dissemination to proper parties.
52. All defendants are prevented by state and federal law including the FCRA from releasing Michael Ermilio's consumer credit report and file to third parties absent a permissible purpose under the FCRA, 15 U.S.C. §§ 1681b(a)(1 through 6) and (f).
53. None of the circumstances listed in 15 U.S.C. § 1681b(a)(1 through 6) are present here, as, there is no "credit transaction" or "credit application" initiated by Michael Ermilio, and no "business transaction" was initiated by Michael Ermilio.

54. The initiation of a “credit transaction” or “credit application” or “business transaction” by a third party is not a permissible purpose under the FCRA.
55. All defendants are required by the FCRA to adopt and maintain procedures designed to limit and restrict its access to consumer credit information, except where a permissible purpose to access the information exists. 15 U.S.C. § 1681b(f).
56. The referenced inquiries have become a permanent component of Michael Ermilio’s credit report and file and is reported to those who ask to review the credit history of Michael Ermilio.
57. Each defendant agreed and represented in its agreements with the various credit reporting agencies that each would request and use consumer reports and files which were obtained from said agencies only for purposes which are lawful under the FCRA as defined under §1681b.
58. Each defendant was and is required by §§ 1681b, 1681n, and 1681q to refrain from obtaining consumer reports and files and files from credit reporting agencies under false pretenses, or without a legal basis.
59. At no time material hereto did Michael Ermilio ever have a relationship with any defendant of the kind specified under §1681b(a)(3)(A) - (F).
60. Michael Ermilio has never given written instructions to any defendant to access, download, obtain, review and/or release to a third party a consumer report and file of which Ermilio was the subject.
61. No defendant has ever been ordered by a court of competent jurisdiction to obtain or release a copy of Michael Ermilio’s consumer credit report and file pursuant to § 1681b(1).
62. All defendants have an affirmative duty to follow reasonable procedures, including those that would prevent the impermissible accessing of consumer credit reports and files.

63. Reasonable procedures for users include restricting the ability of each defendants agents, contractors, and employees to obtain or release consumer credit report and files on consumers for any impermissible purpose.
64. Ascend Loans's illegal, unlawful, and impermissible acquisition, dissemination, and / or redisclosure of Michael Ermilio's consumer credit report and file violates Michael Ermilio's privacy rights under state and federal law including the FCRA.
65. Bright Lending's illegal, unlawful, and impermissible acquisition, dissemination, and / or redisclosure of Michael Ermilio's consumer credit report and file violates Michael Ermilio's privacy rights under state and federal law including the FCRA.
66. Eagle Valley's illegal, unlawful, and impermissible acquisition, dissemination, and / or redisclosure of Michael Ermilio's consumer credit report and file violates Michael Ermilio's privacy rights under state and federal law including the FCRA.
67. Minto Money's illegal, unlawful, and impermissible acquisition, dissemination, and / or redisclosure of Michael Ermilio's consumer credit report and file violates Michael Ermilio's privacy rights under state and federal law including the FCRA.
68. Zocal Loans's illegal, unlawful, and impermissible acquisition, dissemination, and / or redisclosure of Michael Ermilio's consumer credit report and file violates Michael Ermilio's privacy rights under state and federal law including the FCRA.
69. Because credit inquiries lower a persons credit score, the actions of each defendant have impaired Michael Ermilio's future access to credit.
70. Ermilio's agent wrote each defendant, asking for the reasons each defendant accessed her Clarity and Experian consumer credit reports and files.
71. Each defendant acknowledged receipt of the investigatory letters, but otherwise did not meaningfully respond.

72. As a result of the actions and omissions of each defendant, Michael Ermilio has suffered damages including emotional distress, loss of privacy, mental anguish, fear, anger, frustration, embarrassment and other damages.
73. The damages Ermilio suffered as a result of the actions and omissions of each defendant are directly traceable to the conduct of each defendant, and are likely to be redressed by a favorable decision in this action.

## V. CAUSES OF ACTION

### **COUNT 1. FAIR CREDIT REPORTING ACT**

74. Michael Ermilio incorporates by reference all the foregoing paragraphs.
75. Each defendant willfully and/or recklessly violated provisions of the Fair Credit Reporting Act. These violations include, but are not limited to the following:
  - (a) Each defendant violated 15 U.S.C. §1681b(f) by willfully obtaining multiple copies of Michael Ermilio's Experian and Clarity consumer credit reports and files without a permissible purpose under the FCRA.
  - (b) Each defendant violated 15 U.S.C. §1681b(f) by willfully disclosing information from Michael Ermilio's Experian and Clarity consumer credit reports and files to third parties without a permissible purpose under the FCRA.
76. As a result of the above violations of the FCRA, each defendant is separately liable to Michael Ermilio in the sum of Michael Ermilio' actual damages, statutory punitive damages, costs, disbursements, and reasonable attorney's fees.

## **VI. REQUEST FOR RELIEF**

77. **WHEREFORE**, Michael Ermilio respectfully requests that separate judgments be entered against each defendant as follows:

- Count 1**
- (a) actual damages;
  - (b) statutory damages;
  - (c) punitive damages;
  - (d) costs and reasonable attorney's fees; and
  - (e) such other and further relief as the court deems just and equitable.

## **VII. DEMAND FOR TRIAL BY JURY**

78. Michael Ermilio hereby demands that, to the extent provided by the United States and Wisconsin Constitutions, United States and Wisconsin Statutes, and United States and Wisconsin Common Law, these claims be determined by a jury of his peers.

DATED: May 21, 2024

Electronically signed by Eric Crandall  
Eric L. Crandall, Esq.  
**CRANDALL LAW FIRM, SC**  
421 West Second Street  
PO Box 27  
New Richmond, WI 54017  
715-243-9996 (p)  
WisconsinConsumerLaw@frontier.com  
Wis. Attorney Lic. No. 1001833

**ATTORNEY FOR PLAINTIFF**

**06-20-2024****Barron County, WI****Sharon Millermon****2024CV000150****STATE OF WISCONSIN****CIRCUIT COURT****COUNTY OF BARRON**

Michael Ermilio,

No. 2024-CV-150 (br. 2)

Plaintiff,

vs.

Big Picture Loans, LLC,  
d/b/a Big Picture Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Lac Vieux Desert Bank  
of Lake Superior Indians,

Defendant.

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**NOTICE OF DISMISSAL**

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The plaintiff through his attorney and pursuant to Wis. Stat. § 805.04(1), hereby notices the dismissal of Big Picture Loans, LLC as a party in this suit, with prejudice. The remaining parties are **NOT** dismissed with this notice.

DATED: June 20, 2024

electronically signed by Eric Crandall  
Eric L. Crandall, Esq.

**CRANDALL LAW FIRM, SC**

421 West Second Street

PO Box 27

New Richmond, WI 54017

715-243-9996

WisconsinConsumerLaw@frontier.com

Wis. Attorney Lic. No. 1001833

**ATTORNEY FOR PLAINTIFF**

06-20-2024

Barron County, WI

Sharon Millermon

2024CV000150

STATE OF WISCONSIN

CIRCUIT COURT

COUNTY OF BARRON

Michael Ermilio,

No. 2024-CV-150 (br. 2)

Plaintiff,

vs.

Big Picture Loans, LLC,  
d/b/a Big Picture Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Lac Vieux Desert  
Bank of Lake Superior Indians,

Defendant.

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**ORDER**

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The above-referenced matter came before the undersigned upon the plaintiff's request for dismissal of Big Picture Loans, LLC as a party to this action, with prejudice. Based upon the notice signed by plaintiff's counsel, the Court makes the following **ORDER**:

1. Pursuant to Wis. Stat. § 805.04, Big Picture Loans, LLC is dismissed as a party to this action, with prejudice, without an award of costs or fees to any party.
2. The remaining parties are **NOT** dismissed.

\*\*\*\*\*

06-21-2024  
Barron County, WI  
Sharon Millermon  
2024CV000150

DATE SIGNED: June 21, 2024

Electronically signed by The Honorable James C Babler  
Circuit Court Judge

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**COUNTY OF BARRON**

---

Michael Ermilio,

No. 2024-CV-150 (br. 2)

Plaintiff,

vs.

Big Picture Loans, LLC,  
d/b/a Big Picture Loans,  
a wholly-owned and operated entity, arm, and instrumentality of the Lac Vieux Desert  
Bank of Lake Superior Indians,

Defendant.

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**ORDER**

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1. Pursuant to Wis. Stat. § 805.04, Big Picture Loans, LLC is dismissed as a party to this action, with prejudice, without an award of costs or fees to any party.
2. The remaining parties are **NOT** dismissed.

\*\*\*\*\*

STATE OF WISCONSIN	CIRCUIT COURT	BARRON COUNTY	
Michael Ermilio vs. Ascend Loans, LLC et al	<b>Notice of Assignment of Judge</b> Case No. 2024CV000150		<b>06-21-2024</b> <b>Barron County, WI</b> <b>Sharon Millermon</b> <b>2024CV000150</b>

The following judge has been assigned to this case:

Samuel Lawton  
 SLL Check Monitor & Posted Calendar for Courtroom  
 1420 State Hwy 25 North, Barron County Justice Center  
 Barron WI 54812

Please note:

- All original court pleadings must be filed with the Clerk of Circuit Court for Barron County.
- If assignment is an out-of-county judge, access to the records should be provided to the assigned judge.
- All scheduling should be done by the assigned judge.
- Other: New appointed/elected Judge to Branch 2

Barron County Circuit Court

Date: June 21, 2024

DISTRIBUTION:	Address	Service Type
Court		
Eric Leighton Crandall		Electronic
Aaniiih Nakoda Finance, LLC, d/b/a Bright Lending	PO Box 578, Hays, MT 59527	Mail
Ascend Loans, LLC	635 East Highway 20, Upper Lake, CA 95485	Mail
Benhti Economic Development Corporation, d/b/a Minto Money	PO Box 58112, Minto, AK 99758	Mail
Rosebud Lending, d/b/a Zocal Loans	27565 Research Park Drive, PO Box 1147, Mission, SD 57555	Mail

07-19-2024  
Barron County, WI  
Sharon Millermon  
2024CV000150

## AFFIDAVIT - RETURN OF SERVICE

MICHAEL ERMILLIO

Plaintiff(s),

Case Number: 2024CV000150

vs.

ASCEND LOANS, LLC, ET AL.

Defendant(s).

I solemnly swear or affirm that on 7/1/2024, at 9:10 AM, I served the following documents:

SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL, ELECTRONIC FILING NOTICE

upon the therein named BENHTI ECONOMIC DEVELOPMENT CORPORATION at 100 CUSHMAN STREET,  
#306, FAIRBANKS, ALASKA 99701, by handing and leaving a true and correct copy with KEITH CHARLIE.



JENNIFER SNELL  
Civilian Process Server

SUBSCRIBED AND SWORN to or affirmed before me this July 18, 2024 in Anchorage, Alaska.

Client: CRANDALL LAW FRIM, SC  
Client Contact: ERIC LEIGHTON CRANDALL  
File Number: PAID \$362.20 MONEY ORDER # 29223584425

Notary Public in and for the State of AK  
My Commission Expires: 5/29/2028



North Country Process, Inc.  
P.O. Box 101126  
Anchorage, Alaska 99510  
Office: (907) 274-2023  
Fax Line: (907) 274-2823

[NCPI@alaska.net](mailto:NCPI@alaska.net)

Return No.: 229106

Total Service Fees:

\$78.00

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**BARRON COUNTY**

Michael Ermilio vs. Ascend Loans, LLC et al

**Electronic Notice  
Status Change**

Case No: 2024CV000150

ASCEND LOANS, LLC  
635 EAST HIGHWAY 20  
UPPER LAKE CA 95485

For 2024CV000150, the electronic notice preference for Eric Lochen, Wisconsin attorney for Benhti Economic Development Corporation, d/b/a Minto Money and Rosebud Lending, d/b/a Zocal Loans, has changed.

Eric Lochen has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party, unless the party has an attorney who has filed a limited notice of appearance and this party is receiving limited scope representation. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

If you have any questions regarding this notice, please contact our office at 715-537-6265.

Barron County Circuit Court  
Date: July 19, 2024

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**BARRON COUNTY**

Michael Ermilio vs. Ascend Loans, LLC et al

**Electronic Notice  
Status Change**

Case No: 2024CV000150

AANIIH NAKODA FINANCE, LLC, D/B/A BRIGHT LENDING  
PO BOX 578  
HAYS MT 59527

For 2024CV000150, the electronic notice preference for Eric Lochen, Wisconsin attorney for Benhti Economic Development Corporation, d/b/a Minto Money and Rosebud Lending, d/b/a Zocal Loans, has changed.

Eric Lochen has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party, unless the party has an attorney who has filed a limited notice of appearance and this party is receiving limited scope representation. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

If you have any questions regarding this notice, please contact our office at 715-537-6265.

Barron County Circuit Court  
Date: July 19, 2024

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**BARRON COUNTY**

Michael Ermilio vs. Ascend Loans, LLC et al

**Electronic Notice  
Status Change**

Case No: 2024CV000150

BIG PICTURE LOANS, LLC  
E23970 POW WOW TRAIL  
PO BOX 704  
WATERSMEET MI 49969

For 2024CV000150, the electronic notice preference for Eric Lochen, Wisconsin attorney for Benhti Economic Development Corporation, d/b/a Minto Money and Rosebud Lending, d/b/a Zocal Loans, has changed.

Eric Lochen has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party, unless the party has an attorney who has filed a limited notice of appearance and this party is receiving limited scope representation. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

If you have any questions regarding this notice, please contact our office at 715-537-6265.

Barron County Circuit Court  
Date: July 19, 2024

07-19-2024

Barron County, WI

Sharon Millermon

2024CV000150

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**COUNTY OF BARRON**

Michael Ermilio,

Plaintiff,

Case No. 2024CV000150

v.

Ascend Loans, LLC,  
Aaniiih Nakoda Finance, LLC,  
Big Picture Loans, LLC,  
Benhti Economic Development Corporation, and  
Rosebud Lending,

Defendants.

---

**NOTICE OF APPEARANCE**

---

COMES NOW, Eric M. Lochen, Esq., of the law firm Lochen Law Offices, PLLC, and enters his appearance as counsel for defendants, Benhti Economic Development Corporation and Rosebud Lending.

Dated this 19th day of July, 2024.

Respectfully submitted,

/s/ Eric Lochen

Eric M. Lochen, Esq.  
Lochen Law Offices, PLLC  
P.O. Box 174  
Hartland, WI 53029  
Phone: (218) 308-1076  
Email: [eric@lochenlaw.com](mailto:eric@lochenlaw.com)  
Wis. Atty. Lic. No. 1094919  
*Attorneys for Benhti Economic Development  
Corporation and Rosebud Lending*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the Wisconsin Circuit Court eFiling System, which will send a notice of this filing to all registered participants.

*/s/ Eric Lochen*

\_\_\_\_\_  
Attorney